

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
APR 12 2010


Clerk

* JOHN ROBERT DEMOS, JR., * CIV. 10-4016
*
* Petitioner, *
*
* vs. * ORDER DISMISSING CASE
*
* PAT GLEBE, *
* Attorney General of the State of Washington ; *
*
* Respondent. *
*

Petitioner, an inmate in the Stafford Creek Correctional Center in Aberdeen, Washington, has filed this action pursuant to 28 U.S.C. § 2254. Petitioner seeks habeas corpus relief relative to a 1974 conviction in Yakima, Washington.¹

A writ of habeas corpus “shall be directed to the person having custody of the person detained.” 28 U.S.C. § 2243. The district court issuing the writ must have personal jurisdiction over the person who holds the petitioner in custody. *See Braden v. 30th Judicial District of Kentucky*, 410 U.S. 484, 495 (1973). Petitioner is currently confined in the Stafford Creek Correctional Center, in

¹As least as early as 1982, Demos was sanctioned for filing frivolous lawsuits. *See Demos v. Kincheloe*, 563 F.Supp. 30, 31 (E.D. Wash. 1982). He has also been sanctioned by the Supreme Court for frivolous filings. *See Demos v. Storrie*, 507 U.S. 290, 290-91 (1993). The Tenth Circuit has also sanctioned Demos. *See Demos v. Keating*, 33 Fed.Appx. 918, 919-21, 2002 WL 121562 (10th Cir. 2002). Despite the repeated sanctions, a cursory review indicates Demos has filed over 550 civil cases and 123 appeals nationwide.

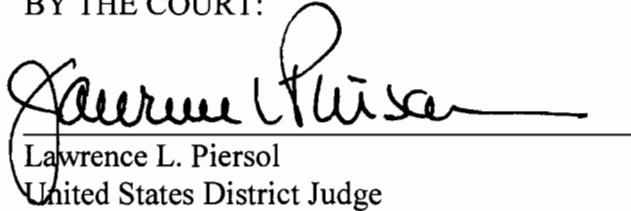
Aberdeen, Washington. The Court does not have personal jurisdiction over the person holding petitioner in custody. Thus, this action will be dismissed, without prejudice. Accordingly,

IT IS ORDERED:

1. That this action is dismissed without prejudice.
2. Petitioner's Motion to Proceed In Forma Pauperis is denied as moot.

Dated this 12th day of April, 2010.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 
DEPUTY